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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,772	08/25/2003	Hiroshi Nomura	P23702	1247

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EXAMINER	
SMITH, ARTHUR A	

ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,772	NOMURA, HIROSHI	
	Examiner	Art Unit	
	Arthur A Smith	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/20/04;4/30/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1 and 16 are objected to because of the following informalities:

In reference to claim 1 it appears that the second actuator, ref. 132 of said exposure control component is not positioned inside said annular ring, ref. 8, in a second space between the inner peripheral surface of said annular ring and said movement path of said holder lens group, ref. 6, as claimed. Referring to figs. 10, 111 and 112 it appears that ref. 132 (rear of 76) must be outside the movement path (the y-axis direction) of holder lens group, ref. 6, so as to not make contact with it.

In reference to claim 16, it does not appear that the other of said at least two actuators, ref. 132, (rear of ref. 76) is positioned inside said annular ring in a second space between an inner peripheral surface of said annular ring and *an outer edge of said rear lens group, LG3, accommodated in said annular ring*, see fig. 10. The examiner also does not understand the limitation "at an axial position different from an axial position of said one of said two actuators in said photographing optical axis direction".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

> applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Nomura et al. (US 2003/0156832 A1), supplied by applicant

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

In reference to claims 1 and 14-16 (as best as the examiner can ascertain), Nomura et al. discloses a retractable lens barrel comprising: an annular ring, ref. 20, having an axis parallel to and eccentric relative to an optical axis of the lens barrel, paragraph 53; a holder, ref. 21, accommodated within the annular ring and supporting a holder lens group, the holder movable along a movement path between an aligned position where the holder lens group is aligned with said optical axis and a displaced position where the holder lens group is displaced relative to the optical axis, paragraph 65; a first lens group, L1, aligned with said optical axis and movable towards said annular ring during accommodation of said first lens group within said annular ring, paragraph 51; a first actuator of an exposure control component, the first actuator positioned inside said annular ring in a first space between an inner peripheral surface of said annular ring and an outer edge of said first lens group accommodated in said

annular ring, paragraph 54; and a second actuator of said exposure control component, the second actuator being positioned inside said annular ring in a second space between the inner peripheral surface of said annular ring and said movement path of said holder lens group, paragraph 25, see figs. 1 and 2.

In reference to claim 2, Nomura et al. discloses wherein the optical axis is disposed to one side relative to the annular ring axis, and wherein the axis of said displaced position is disposed to another side relative to the annular ring axis, see fig. 3B.

In reference to claim 3, Nomura et al. discloses wherein said axis of said displaced position, said annular ring axis, and optical axis each lie substantially in a straight line, see fig. 2.

In reference to claim 4, Nomura et al. discloses wherein the holder is pivotally connected to said annular ring to move between said aligned position and said displaced position, paragraph 65.

In reference to claims 5 and 6, Nomura et al. discloses wherein a rear lens group, L3, movable towards said annular ring and accommodated within the inner peripheral surface of the annular ring at the aligned position of said holder lens group, when the holder lens group has moved to said displaced position, paragraph 54.

In reference to claim 7, Nomura et al. discloses wherein said first actuator comprises a shutter actuator and said second actuator comprises a diaphragm actuator, paragraphs 25 and 54.

In reference to claims 8 and 9, Nomura et al. discloses wherein said exposure control component and said first and second actuators comprise a subassembly attached to said annular ring, see fig. 1.

In reference to claim 10, Nomura et al. discloses wherein said annular ring is movable linearly along said axis thereof without rotating; wherein said holder lens group is configured to move together with said annular ring in said annular ring axis direction; and wherein said retractable lens barrel further comprises an optical element retracting mechanism that retracts said holder lens group to said displaced position by a retracting movement of said annular ring when said retractable lens barrel moves from an operational state to a retracted state, paragraph 65.

In reference to claims 11-13, Nomura et al. discloses further comprising at least one rotatable ring, ref. 18, positioned concentrically with said annular ring to move said annular ring linearly along said axis thereof by a rotation of said rotatable ring, paragraph 59.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (571) 272 2129. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (572) 272 2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arthur A. Smith
September 17, 2004